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FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2055 OF 2005.

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Mr. Pravin Singhal with P.M. Havnur for the petitioner.

Mr. S.S. Pednekar, A.P.P. for the respondent-State.

CORAM: S.S. PARKAR &
ANOOP V. MOHTA, JJ.

DATED: 26TH AUGUST, 2005.

P.C.:

. Heard Mr. Pravin Singhal at length. This Petition has been filed under Article 226 of the Constitution for quashing the Complaint dated 5th August, 2005 filed in the Court of Ilaqa Magistrate, Jalandhar in the State of Punjab and for transferring the investigation in FIR No.232 dated 7th August, 2005 registered with the District Police Station No.6, Jalandhar/SHO in the State of Punjab and also for ordering enquiry against respondent No.3 and her father.

2. This Petition is absolutely misconceived. This Court cannot entertain this Petition as, as per the complaint, copy of which is annexed at Exhibit-A to the Petition, the alleged offence under Section 498 of the IPC has been committed in Siligudi, Dalhousie and Jalandhar which are in the State of West Bengal, Himachal Pradesh and Punjab. After filing of the complaint in the Court of Ilaqa Magistrate, Jalandhar, the Magistrate has referred the matter to the Police for investigation under Section 156 of the Criminal Procedure Code. It is admitted by Petitioner's counsel that no part of the cause of action has arisen in Bombay or in the State of Maharashtra. The Petition has been filed in this Court on the ground that the respondents have permanently shifted to Bombay and settled down here since December, 2004. In support of the Petition, the petitioners rely on the decision of the Supreme Court in the case of **Navinchandra Majithia Vs. State of Maharashtra** - (2000) 7, S.C.C., 640. That was a case where a major portion of the offence was committed in Bombay and, therefore, the Supreme Court had held that the Bombay High Court had

jurisdiction to entertain the Petition for quashing the complaint. That is not so here. Admittedly, no part of the cause of action has arisen in Bombay. The entire offence was allegedly committed outside the State of Maharashtra and, therefore, this Court cannot entertain this Petition nor this Court has any jurisdiction over the Court of the Ilaqa Magistrate, Jalandhar. Hence, this Petition is rejected.

[S.S. PARKAR, J.]

[ANOOP V. MOHTA, J.]